

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

WAYNE WILKERSON,

Plaintiff,

v.

MIAMI CORRECTIONAL FACILITY,

Defendant.

CAUSE NO.: 3:22-CV-421-RLM-MGG

ORDER

Wayne Wilkerson, a prisoner without a lawyer, sent the court a letter in this closed case asking that he be appointed an attorney. The court screened Mr. Wilkerson's original complaint and determined that it was subject to dismissal under 28 U.S.C. § 1915A. The court gave him until November 7, 2022, to file an amended complaint further explaining his claims, but he didn't do so,¹ and the court dismissed the case under 28 U.S.C. § 1915A on November 29.

This letter isn't dated but was postmarked on January 3, 2023. The timing of the letter might suggest Mr. Wilkerson is seeking relief under Federal Rule of Civil Procedure 60(b)m *see* O'Brien v. Vill. of Lincolnshire, 955 F.3d 616, 629 (7th Cir. 2020), but he makes no mention of his case having been dismissed, nor does he explain why he let the November 7, 2022, deadline lapse without filing an amended complaint or seeking more time to do so. He also does not address how he would

¹ The original deadline was September 12, 2022, but the court granted him additional time after he filed a motion to amend that wasn't accompanied by a proposed amended complaint. (ECF 10.) The court also gave him instructions on where to obtain a complaint form and how to complete it. (*Id.*)

amend his complaint to overcome the deficiencies identified in the screening order. Rule 60(b) is an “extraordinary” remedy that is reserved for “exceptional circumstances,” O’Brien v. Lincolnshire, 955 F.3d at 629, and Mr. Wilkerson doesn’t provide sufficient grounds for reopening the case at this stage. There is no basis to appoint him an attorney at this stage, because the case is closed.

For these reasons, the court DENIES any relief requested in the plaintiff’s letter (ECF 13).

SO ORDERED on January 17, 2023

s/ Robert L. Miller, Jr. _____
JUDGE
UNITED STATES DISTRICT COURT